

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DUANE PITTS,

Defendant.

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**DECISION AND ORDER**  
19-CR-125-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 18, 2020, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 244) that recommends that defendant Duane Pitts' motions to dismiss Counts 1 and 2 of the Superseding Indictment (Dkt. No. 108) be denied. No objections to the Report and Recommendation were filed and the Report and Recommendation was therefore deemed submitted March 4, 2020.

Upon review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the Report and Recommendation, it is

ORDERED that the motions to dismiss Counts 1 and 2 of the Superseding Indictment (Dkt. No. 108) are denied for the reasons stated in the Report and Recommendation (Dkt. No. 244).

Defendant Pitts remains joined for trial with co-defendants who have pretrial motions pending. The trial will be scheduled upon the completion of the pretrial

proceedings.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 3, 2020